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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,671	10/22/2003	Sorin S. Tudora	B&B-117	4909
7590	12/20/2004		EXAMINER	
Shaw Pittman LLP 1650 Tysons Boulevard McLean, VA 22102			WILLIAMS, MARK A	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/689,671	TUDORA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark A. Williams	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10/22/03 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/1/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “roller receiving part which is adjustable relative to the second base plate” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet; even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-9, 17, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to the term "adjustable", it is not clear in the context of the claims in what way and by what structure is the device is adjustable.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5, 7, 10, 11-13, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Tidbury et al., US Patent 5,937,585. An anti-rattle door assembly for a vehicle comprising a first member 22 including a first base plate 30 and a roller 38 disposed on the first base plate; a second member 26 configured to receive the roller of the first member; and a bumper element associated with the second element, wherein the bumper element is configured to at least partly enclose the roller. A second base plate 26 is provided, as claimed. As best understood, the device is adjustable, as claimed. A depression 82 is provided, as claimed.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tidbury in view of Ingham, US Patent 3,358,318, and Fleischauer et al., US Patent 4,198,833. Tidbury discloses that portions of the device may be of plastic material, but does not explicitly teach lubricant, and that lubricant being of an acetal (plastic

lubricant) ring member, as claimed. It is known in the art of bearings that such materials can be used to achieve a desired lubrication result, thereby reducing friction between members. Inghan teaches a door check device which uses acetal material for the purpose of reducing friction. Fleischauer teaches the concept of a lubricant ring of acetal material for the same purpose. It would have been obvious at the time the invention was made to have modified the device in this way, as general taught in Inghan and Fleischauer, for the purpose of reducing friction between members.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tidbury in view of Pence, US Patent 3,888,445. Tidbury does not teach the particular claimed means of attachment. Pence teaches the concept of grooves at 30 for receiving a member for attachment. It would have been obvious to modify the device of Tidbury in this way, as generally taught by Pence, for the purpose of gaining alternative means of attachment of two members.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tidbury in view of Nakanishi, US Patent 4,086,681. Nakanishi disclose dovetail attachment means as claimed. Such attachments means are old and well known in

the art. It would have been obvious at the time the invention was made for one skilled in the art to have included in the design of Tidbury such a modification, as generally taught by Nakanishi, for the purpose of gaining alternative means of attachment of two members.

10. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tidbury. Although Tidbury does not explicitly teach the second member being on the door, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device in this way, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. Such a modification is not critical to the design and would have produced no unexpected results.

11. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Tidbury et al. in view of Angle, US Patent 4,544,192. Tidbury does not explicitly disclose ratchet means as claimed. Such means is well known in the art of latch type connectors for the purpose of adjustment. Angle teaches this concept for the purpose of adjustably correcting misalignment of members. It would have been

obvious at the time the invention was made for one skilled in the art to have included in the design of Tidbury such ratchet means, similar to that of Angle, for the purpose of adjustably correcting misalignment of the roller relative to the base plate during closing of the door.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (703) 305-3438. The examiner can normally be reached on Monday through Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Williams  
12/8/04



GARY ESTREMSKY  
PRIMARY EXAMINER